

FILED

AUG 6 1 2017

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	Case No. <u>17-MJ-7062-SCW</u>
Plaintiff,)	
v.)	
PAUL R. OWENS,)	
Defendant.)	Title 26, United States Code, Section 5861(d)

CRIMINAL COMPLAINT

I, Michael Froncheck, the undersigned complainant being duly sworn state the following
is true and correct to the best of my knowledge and belief:

COUNT 1**Unlawful Possession of an Unregistered Destructive Device**

On or about July 28, 2017, in Madison County, within the Southern District of Illinois,

PAUL R. OWENS,

defendant herein, did knowingly receive and possess a destructive device in the form of an explosive and explosive components, to wit: a pipe bomb and its components, not registered to the defendant in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Section 5861(d).

AFFIDAVIT

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and have been so employed since August 1998. I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy.

2. I received specialized training at the ATF Academy concerning violations of federal firearms laws within Title 18 and Title 26 of the United States Code and violations of federal drug laws within Title 21 of the United States Code. As a Special Agent with ATF, I have participated in numerous investigations involving various violations of federal explosive/firearm and state gun laws, and various violations of federal and state narcotics laws, including trafficking in firearms and controlled substances. I have participated in various aspects of these investigations, including conducting undercover operations, conducting physical and electronic surveillance, handling informants and cooperating sources, executing search and arrest warrants, and seizing evidence and criminally derived assets. I have also participated in investigations involving court-authorized interceptions of wire and electronic communications.

3. The facts in this affidavit come from my personal knowledge and observation, my training and experience, information obtained from other law enforcement officers and personnel working the investigation, and information from individuals knowledgeable about explosive materials, components and devices who are assisting law enforcement in this investigation. This affidavit shows that there is sufficient probable cause for this Criminal Complaint and does not purport to set forth all of my knowledge about this matter.

4. Based on the facts set forth in this affidavit, there is probable cause to believe that a violation of Title 26, United States Code, Section 5861(d), has been committed.

PROBABLE CAUSE AND BACKGROUND OF INVESTIGATION

5. ATF and other law enforcement agencies are investigating Paul R. Owens (Owens) for possessing a destructive device to wit: a pipe bomb and its components, not registered to Owens in the National Firearms Registration and Transfer Record (NFRTR). On July 20, 2017, the Chief of the Hamel Police Department (Hamel PD) in Madison County, Illinois, contacted ATF with information that Owens wanted to attain a pipe bomb. Your affiant and ATF Special

Agent Duane Clauer met with the individual who provided the information to the Hamel Police Department. The source of information, who later became an ATF CI (CI), said Owens wanted a pipe bomb to throw into the window of a residence in Alton, Illinois. Owens stated motive was that an occupant of the Alton residence shot and killed the dog(s) of Owen's aunt. The CI also said that Owens uses and distributes morphine.

6. On July 20, 2017, under the direction and monitoring of ATF, the CI placed a recorded telephone call to Owens to discuss ^{the} desire of Owens wanting to obtain this device. The CI asked Owens if he really wanted the device, and Owens replied he definitely wanted to obtain a pipe bomb. The CI and Owens discussed the type of pipe bomb Owens wanted. Owens responded he wanted a 4-inch pipe, hardened steel end caps, containing black powder. The CI told Owens he could make such a pipe bomb for Owens. The CI asked for morphine in exchange, and Owens agreed.

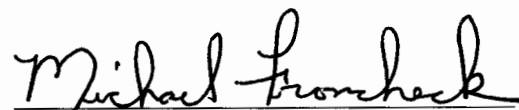
7. On July 25, 2017, under the direction and monitoring of ATF, the CI placed another recorded telephone call to Owens. The CI asked Owens how long Owens wanted the fuse, and Owens replied, "One and a half to two feet long." Owens explained he intended to set off the pipe bomb in the early morning hours when the intended victim was asleep. Owens verified that he would exchange morphine pills for the pipe bomb. Owens offered to bring the CI a needle for use injecting the morphine.

8. ATF formulated a plan for the CI to meet Owens on July 28, 2017, at a location in Hamel, Illinois, and provide Owens with the requested pipe bomb in exchange for morphine followed by Owens immediate arrest. In furtherance of the plan, an ATF Special Agent who is a bomb technician constructed a device that met the definition of a destructive device under Title 26 of the United States Code, but that contained only a small amount of black powder so that if accidentally detonated, it would not cause serious harm to people or property. Since ATF

constructed the device for this operation, Owens necessarily could not have registered it in the National Firearms Registration and Transfer Record.

9. Prior to the scheduled meeting on July 28, 2017, ATF established audio and video surveillance in the CI's vehicle, law enforcement surveillance around the meeting location, and provided the CI with a toolbox containing the explosive device constructed for the operation. At approximately 12:04 a.m., on Friday, July 28, 2017, the CI met with Owens at the agreed upon location in Hamel, Illinois. The CI asked Owens, "Is that what you wanted?" Owens looked into the toolbox and said, "Oh yeah." The CI stated, "Before we start on this venture, you don't have to, we don't have to." Owens replied, "We're good." Owens further asked the CI if he had any gloves. The CI stated, "What do you need them for?" Owens stated, "In case it doesn't go off." The CI stated, "No, it's gonna go off." Owens replied, "All right." In exchange for the pipe bomb, Owens provided the CI with four morphine pills. At approximately 12:10 a.m., ATF agents executed the arrest of Owens and his girlfriend who accompanied Owens to the meeting.

10. Following arrest, advice, and waiver of rights, Owens acknowledged that he asked the CI to make him a pipe bomb and said that he intended to put it in the mailbox at the residence of the person who shot his aunt's dogs.


MICHAEL FRONCHECK
Special Agent, Bureau of Alcohol,
Tobacco, Firearms, and Explosives

State of Illinois)
)
) SS.
County of St. Clair)

Sworn to before me, and subscribed in my presence on the 1st day of August 2017, at
East St. Louis, Illinois.



STEPHEN C. WILLIAMS
United States Magistrate Judge

DONALD S. BOYCE
United States Attorney



KIT R. MORRISSEY
Assistant United States Attorney